

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NICHOLAS BENNETT,

Plaintiff,

v.

ORDER

DR. SYED and
JOHN OR JANE DOE ON-CALL NURSES,

20-cv-861-jdp

Defendants.

Plaintiff Nicholas Bennett, appearing pro se, is a prisoner at the Grant County Jail. Bennett alleges that medical staff at the Dane County Jail delayed in giving him medical treatment after two separate incidents in which he slipped on the floor and fell. I granted Bennett leave to proceed on constitutional and state-law medical negligence claims against defendants John or Jane Doe on-call nurses and Dr. Syed for their failure to properly treat his injuries.

Bennett has renewed his motion for the court's assistance in recruiting him counsel. Dkt. 40. I will again deny his motion because it is still too early to tell whether Bennett will need counsel to assist him. Bennett says that he has a learning disability and he says that he needs a legal loan. But despite Bennett's learning disability, his filings so far have been legible and coherent. And he has followed the court's instructions for identifying the Doe defendants. As the case moves forward, Bennett should be able to testify about his personal recollection of the relevant events, and he should be able to obtain the relevant medical records from defendants' counsel through discovery or by writing to the Dane County Jail. His filings show that he has obtained at least some of those documents already.

This court rarely intervenes in an institution's legal loan procedures, and only when it is necessary to ensure a prisoner's right of access to the courts. Bennett has not provided evidence showing whether he provided the necessary documentation to receive a legal loan or whether he will run out of the supplies he needs to litigate unless he is granted another legal loan. He has been able to contact the court frequently in this case, so it does not appear that he lacks resources to litigate at this time.

I will deny Bennett's motion for the assistance of counsel, again without prejudice. If Bennett refiles his motion, he will have to explain what specific litigation tasks he cannot perform himself.

ORDER

IT IS ORDERED that plaintiff Nicholas Bennett's renewed motion for the court's assistance in recruiting him counsel, Dkt. 40, is DENIED without prejudice.

Entered May 17, 2021.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge